

## REMARKS

### Claim rejections under 35 U.S.C. § 103

In item 3, claims 8, 9, 11-17, 22, 23, 25-31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavanaugh (6,223,233) in view of Donohue (6,262,717) and further in view of Gerpheide (5,767,457).

Applicant has amended independent claims 8, 22 and 36 to include the claim limitation cited in claims 20 and 34. Accordingly, claims 20 and 34 are hereby cancelled. The subject matter added to these independent claims from claims 20 and 34 was rejected in item 7. In item 7, claims 20 and 34 are rejected as being unpatentable over Kavanaugh in view of Donohue, Gerpheide and further in view of Ure. Ure is said to teach the new element in these claims. Specifically a mode switch is claimed in order to enable the touchpad keyboard to switch between functioning as a touchpad keyboard and as a cursor control device. Ure does not teach such a mode switch. A mode switch, as taught by the present invention, is an actual switch that must be actuated so that the device operates in a different manner. The switch is an extra step, a step that does not actually cause the touchpad to perform some other task. It is not considered to be an action that by its nature causes a different mode of operation to activated, as in Ure. Ure specifically states in column 12, lines 2-7, that if there is "a single touch (on the touchpad), then mouse operation ensues. If it is multiple touches, then keyboard operation ensues." Ure teaches away from the concept of the present invention as

claimed. Ure teaches that simply by how the user uses the touchpad, the device is able to determine what mode of operation is being used.

In contrast, it is the contention of the inventors that this makes the touchpad more difficult to operate. Ure causes the touchpad to operate as a keyboard by using simultaneous multiple touchdowns on the touchpad surface to indicate what "key" is being activated. Thus, multiple touchdowns are required for a single "key" to be selected. The present invention cannot even operate in this manner. A single touchdown on the touchpad keyboard selects one "key". Thus, Applicant respectfully asserts that the present invention and Ure teach very different and contrasting ideas about how a touchpad keyboard should change a mode of operation, and Ure should not justifiably be used to make this aspect of the present invention obvious.

Regarding claims 9, 11-17, 23, and 25-31, Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

Specifically regarding claims 9 and 23, it is asserted that the combination of Kavanaugh, Donohue, and Gerpheide make obvious the audible feedback.

Applicant respectfully traverses the rejection of these claims because the cited passages of Gerpheide do not state what the pre-recorded voice is saying. While beeps and other non-verbal clues are commonly known in the industry, Applicant respectfully asserts that none associated with keyboards go so far as to state the name of the key that has been pressed.

In item 4, claims 10 and 24 are rejected as being unpatentable.

Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

In item 5, claims 21 and 35 are rejected as being unpatentable.

Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

In item 6, claims 18, 19, 32 and 33 are rejected as being unpatentable.

Applicant respectfully asserts that these claims are now dependent upon an allowable independent claim.

The claims of item 7 have already been addressed.

In item 8, claim 37 is rejected as being unpatentable. It is asserted that Kono teaches a microphone "for recording audio data for transmission via the network, and for live transmission of audio data for transmission via the network."

Applicant respectfully traverses the rejection of claim 37. The cited passage of the specification refers to a portable audio/display electronic apparatus. As far as Applicant can discern, the device is a self contained unit that does not transmit or receive voice recordings or enable live transmission of audio information via the apparatus over any network, other than its own internal circuitry, which is not how a network is defined in the present invention. Accordingly, Applicant still traverses the rejection of this claim.

## **Conclusion**

In light of the statements above, Applicant respectfully requests issuance of claims

8-19, 21-33, and 35-37. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the examiner is invited to call David W. O'Bryant at (801) 478-0071 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0881.

DATED this 22nd day of August, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. O'Bryant", written in a cursive style.

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